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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**WRIT PETITION NO.487 OF 1997**

1) The Sub-Divisional Officer )
Warna Development Sub-Division No.1 )
At & Post Ashta, Taluka : Walwa )
Dist.: Sangli. )

2) Krishna Valley Development )
Corporation. )

3) State of Maharashtra ).. PETITIONERS

**VERSUS**

1) Narayan Shivaji Kadam )

2) Sitaram Vithal Kuthale )
C/o.Sangli Zilla General Kamgar )
Sabha, 1092, Revani Road )
Sangli. ).. RESPONDENTS

Mr.D.A. Patil, Additional Government Pleader,
for the Petitioners.

None present for the Respondents.

**CORAM: SMT.NISHITA MHATRE, J.**

**DATED: 19TH SEPTEMBER 2006**

**ORAL JUDGMENT :**

. This Petition is directed against the common Award of the Labour Court, Sangli dated 5th July 1986 passed in Reference (IDA) Nos.21 and 22 of 1987. The Labour Court after considering the evidence on record has concluded that the Petitioners had wrongfully terminated the services of the first Respondent workman with effect from 1st July 1986. The Labour Court has granted reinstatement with continuity of service and

full back wages from that date.

2. The facts in the present case are not in dispute. Admittedly, Respondent Nos.1 and 2, who are the workmen in the aforesaid References, were employed with the Petitioners from 26th April 1984 till 30th June 1986. A letter was issued by the Petitioners on 21st August 1986 informing the Respondent workmen that their services had been terminated. It appears that correspondence ensued between the Petitioner and the workman. The workmen were not absorbed on duty and hence the first and the second Respondents raised industrial disputes which were referred for adjudication. The Labour Court has considered the evidence of the workmen which was recorded in each Reference. The Petitioners chose not to lead any evidence at all.

3. The Labour Court after considering this evidence on record, came to the conclusion that the Petitioner had not substantiated its pleadings in the Written Statement, that it had offered the workmen retrenchment compensation and notice wages. There was no dispute that the workmen had completed 240 days in service. However, since the Petitioners had chosen not to lead any evidence, the Labour Court relied on the evidence led by the workmen and found that they were not paid

notice wages and retrenchment compensation. Consequently, the Labour Court directed that the workmen were entitled to reinstatement with continuity of service and full back wages.

4. On a perusal of the Award of the Labour Court, I find that the Labour Court has not committed any error apparent on the face of the record nor is there any perversity in his findings. The Award is based on the evidence available before the Labour Court and, therefore, there is no need to interfere in writ jurisdiction of this Court. Hence, Petition dismissed. Rule discharged. No order as to costs.